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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,106	03/12/2004	Salman Yousef Abbasi	2003-0113	8930
26652	7590	03/05/2008	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			LIU, BEN H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/800,106	ABBASI ET AL.	
	Examiner	Art Unit	
	BEN H. LIU	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment/response filed on December 10, 2007.
2. Claims 18-20 have been amended.
3. No claims have been cancelled.
4. No claims have been added.
5. Claims 1-20 are currently pending.

Specification

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 8, 9, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hejza (U.S. Patent 6,577,628).

For claim 1, Hejza discloses a method comprising: receiving a first request for a connection from a requesting agent, said first request having a quality of service parameter; sending a second request for one of a plurality of network addresses based on said quality of service parameter (*see abstract, which recites implementing quality of service in a network where a client associated with a particular quality of service level initiates a connection request*); receiving a network address in accordance with said second request; and sending said network address to said requesting agent to establish said connection in accordance with said first request (*see abstract, which recite a network address assignment server that receives a connection request from a client and responds with a network address corresponding to a particular class of service*).

For claims 8 and 9, Hejza discloses a network address assignment server that assigns a MAC address to a client that initiates a connection request with a corresponding QoS level. The said sending said second request comprises: sending said dynamic host configuration protocol request to a DHCP server and receiving said network address from said DHCP server (*see column 3 lines 66-67 and column 4 lines 1-5*).

For claim 18, Hejza discloses a article comprising: a storage medium; said storage medium including stored instructions that, when executed by a processor (*see column 3 lines 41-58, which recite implementing the assignment of MAC addresses in a storage medium for execution by a processor*), result in receiving a first request for a connection from a requesting agent, said first request having a quality of service parameter, sending a second request for one of a plurality of network addresses based on said quality of service parameter (*see abstract, which recites implementing quality of service in a network where a client associated with a*

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particular quality of service level initiates a connection request), receiving a network address in accordance with said second request, and sending said network address to said requesting agent to establish said connection in accordance with said first request (*see abstract, which recite a network address assignment server that receives a connection request from a client and responds with a network address corresponding to a particular class of service*).

For claim 20, Hejza discloses Hejza discloses a network address assignment server that assigns a MAC address to a client that initiates a connection request with a corresponding QoS level. Sending said second request is sending a dynamic host configuration protocol (DHCP) to a DHCP server, and receiving said network address from said DHCP server (*see column 3 lines 66-67 and column 4 lines 1-5*).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 2-7, 10-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hejza (U.S. Patent 6,577,628) in view of Weik (U.S. Patent 7,024,480).

For claim 2, Hejza discloses all the subject matter of the claimed invention with the exception wherein each network address from said plurality of network addresses comprises a network address for a different network. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS level (*see abstract*) across different networks (*see column 4 lines 57-61*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels across different networks taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels across different networks can be implemented by installing a gateway program module as taught by Weik with the apparatus for providing different MAC

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addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for across different networks as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to improve the compatibility of the network with different networks.

For claims 3-6, Hejza discloses all the subject matter of the claimed invention with the exception wherein a first network address from said plurality of network addresses comprises a network address for a private network, and a second network address from said plurality of network addresses comprises a network address for a public network. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS level (*see abstract*) across private or public networks (*see column 1 lines 61-62*) for data and multimedia connections such as voice communication (*see column 3 lines 16-20*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels across private and public networks for data and multimedia connections as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels across private and public networks for data and multimedia connections can be implemented by installing a gateway program module as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for across private and public networks for data and multimedia connections as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to

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improve the compatibility of the apparatus with different networks and for different types of connections.

For claim 7, Hejza discloses network address assignment server that assigns a MAC address to a client that initiates a connection request with a corresponding QoS level. Hejza discloses all the subject matter of the claimed invention with the exception wherein said sending said second request comprises: retrieving said quality of service parameter from said first request; sending said second request for a first network address if said quality of service parameter indicates a multimedia connection; and sending said second request for a second network address if said quality of service parameter indicates a data connection. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS (*see abstract*). The device provides different QoS levels between data transmissions and multimedia transmissions such as voice by separating transmission paths (*see column 3 lines 28-31*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels for data and multimedia connections as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels for data and multimedia can be implemented by installing a gateway program module as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for data and multimedia as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to improve the efficiency of

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the network by matching the QoS requirements of a transmission with the appropriate network address and transmission path.

For claim 10, Hejza discloses an apparatus comprising: a media access controller (MAC) having a plurality of MAC addresses (*see column 5 lines 35-38, which recite assigning different MAC addresses to distinguish among various types of traffic*) and a requesting agent to connect to said MAC, said requesting agent to send a first request for a network address (*see abstract, which recites implementing quality of service in a network where a client associated with a particular quality of service level initiates a connection request*). Hejza does not disclose a driver module to connect to said MAC and said requesting agent, said driver module to receive said first request and determine whether said first request is for one of a multimedia connection or data connection, said driver module to instruct said MAC to send a second request for a first network address using a first MAC address if said first request is for a multimedia connection, and to send a second request for a second network address using a second MAC address if said first request is for a data connection. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS (*see abstract*). The device provides different QoS levels between data transmissions and multimedia transmissions such as voice by separating transmission paths (*see column 3 lines 28-31*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels for data and multimedia connections as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels for data and multimedia can be implemented by installing a gateway program module as taught by Weik with the apparatus for

providing different MAC addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for data and multimedia as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to improve the efficiency of the network by matching the QoS requirements of a transmission with the appropriate network address and transmission path.

For claim 11, Hejza discloses network address assignment server that assigns a MAC address to a client that initiates a connection request with a corresponding QoS level wherein said driver module sends said first or second network address to said requesting agent to establish said connection in accordance with said first request (*see column 9 lines 29-36*).

For claims 12-14, Hejza discloses all the subject matter of the claimed invention with the exception wherein said requesting agent comprises part of a multimedia module that comprises a multimedia terminal adapter and analog telephone. The multimedia module further comprises at least one of a packet telephone, video equipment and audio equipment. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS level (*see abstract*) wherein the terminal comprises a telephone terminal (*see column 5 lines 1-21*) or Voice over Internet Protocol terminal packet telephone (*see column 4 lines 53-55*).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels across different networks that includes a telephone terminal or packet telephone terminal as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels across different networks using a telephone terminal or packet telephone can be implemented by installing a telephone terminal or packet telephone as

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taught by Weik at the client terminal of the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for across different networks using a telephone terminal or packet telephone as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to improve the compatibility of the network by interoperating with various transmission terminals.

For claims 15-16, Hejza discloses all the subject matter of the claimed invention with the exception wherein said requesting agent comprises part of a data module that comprises one of a computer, server and workstation. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS level (*see abstract*) wherein the terminal comprises a personal computer (*see column 5 lines 1-21*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels across different networks that includes a personal computer terminal as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels across different networks using a personal computer terminal can be implemented by using a personal computer as the terminal of the requesting agent as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for across different networks using a personal computer terminal as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to improve the compatibility of the network by interoperating with various transmission terminals.

For claim 17, Hejza discloses a network address assignment server that assigns a MAC address to a client that initiates a connection request with a corresponding QoS level further comprising a dynamic host configuration protocol (DHCP) server to connect to said MAC, said DHCP server to receive said second request, retrieve one of said first network address and second network address from a DHCP table, and send said retrieved network address to said MAC (*see column 3 lines 66-67 and column 4 lines 1-5*).

For claim 19, Hejza discloses network address assignment server that assigns a MAC address to a client that initiates a connection request with a corresponding QoS level. Hejza discloses all the subject matter of the claimed invention with the exception the stored instructions, when executed by a processor, further result in sending said second request by retrieving said quality of service parameter from said first request, sending said second request for a first network address if said quality of service parameter indicates a multimedia connection, and sending said second request for a second network address if said quality of service parameter indicates a data connection. Weik from the same or similar fields of endeavor disclose a device that provides network transmission with an assured QoS (*see abstract*). The device provides different QoS levels between data transmissions and multimedia transmissions such as voice by separating transmission paths (*see column 3 lines 28-31*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the device that provides different QoS levels for data and multimedia connections as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza. The device that provides different QoS levels for data and multimedia can be implemented by installing a gateway program module as taught by Weik with the apparatus for providing

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different MAC addresses for different QoS requirements as taught by Hejza. The motivation for using the device that provides different QoS levels for data and multimedia as taught by Weik with the apparatus for providing different MAC addresses for different QoS requirements as taught by Hejza is to improve the efficiency of the network by matching the QoS requirements of a transmission with the appropriate network address and transmission path.

Response to Arguments

13. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (*see form PTO-892*).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL



MELVIN MARCELO
PRIMARY EXAMINER